

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL GRANT,  
Plaintiff,

v.

MARTIN D. BITER, et al.,  
Defendants.

Case No. [15-cv-05326-JSC](#)

**ORDER OF TRANSFER**

(Dkt. Nos. 6, 9, 10)

Plaintiff, a California prisoner proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983.<sup>1</sup> Plaintiff is located at Kern Valley State Prison (“KVSP”). He complains about the conditions of his confinement at KVSP, and the Defendants are prison officials located at KVSP.

When, as here, jurisdiction is not founded on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. § 1406(a).

Plaintiff’s allegations arise out of events occurring at KVSP, and the allegedly responsible officials are located there. KVSP is located in Kern County, which lies within the venue of the

<sup>1</sup> Plaintiff has consented to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). (Dkt. No. 7.)

United States District Court for the Eastern District of California. *See* 28 U.S.C. § 84.

Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this case is TRANSFERRED to the United States District Court for the Eastern District of California.

The Clerk of the Court shall transfer this matter forthwith. In light of this transfer, the Court defers to the Eastern District for ruling on the motions for leave to proceed in forma pauperis and for appointment of counsel.

The Clerk shall terminate docket numbers 6, 9 and 10 from this Court's docket.

**IT IS SO ORDERED.**

Dated: January 22, 2016

  
JACQUELINE SCOTT CORLEY  
United States Magistrate Judge

United States District Court  
Northern District of California